

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**2d AMENDED
SCHEDULING ORDER**

Masai Andrews,

Plaintiff,

v.

21-cv-6764-FPG-MJP

The City of Rochester, et al.,

Defendants.

Joy Elizabeth Armstrong,

Plaintiff,

v.

21-cv-6717-FPG-MJP

The City of Rochester, et al.,

Defendants.

Brandon Boehner, et al.,

Plaintiffs,

v.

21-cv-6574-FPG-MJP

The City of Rochester, et al.,

Defendants.

Amanda Flannery,

Plaintiff,

v.

22-cv-6101-FPG-MJP

The City of Rochester, et al.,

Defendants.

Kaitlin Flannery,

Plaintiff,

v.

22-cv-6062-FPG-MJP

The City of Rochester, et al.,

Defendants.

Tiara Grayson,

Plaintiff,

v.

21-cv-6719-FPG-MJP

The City of Rochester, et al.,

Defendants.

Christopher Hilderbrant,

Plaintiff,

v.

21-cv-6714-FPG-MJP

The City of Rochester, et al.,

Defendants.

Emily Lynch,

Plaintiff,

v.

21-cv-6708-FPG-MJP

The City of Rochester, et al.,

Defendants.

Indiia Maring,

Plaintiff,

v.

21-cv-6720-FPG-MJP

The City of Rochester, et al.,

Defendants.

Jamia McCuller,

Plaintiff,

v.

21-cv-6763-FPG-MJP

The City of Rochester, et al.,

Defendants.

Wendy Painting,

Plaintiff,

v.

22-cv-6179-FPG-MJP

The City of Rochester, et al.,

Defendants.

Alyssa Pigott,

Plaintiff,

v.

22-cv-6180-FPG-MJP

The City of Rochester, et al.,

Defendants.

Geoffrey Rogers,

Plaintiff,

v.

22-cv-6583-FPG-MJP

The City of Rochester, et al.,

Defendants.

Daniel Sorokti,

Plaintiff,

v.

21-cv-6709-FPG-MJP

The City of Rochester, et al.,

Defendants.

Maranie Rae Staab,

Plaintiff,

v.

22-cv-6063-FPG-MJP

The City of Rochester, et al.,

Defendants.

Nicole Hushla,

Plaintiff,

v.

22-cv-6039-FPG-MJP

The City of Rochester, et al.,

Defendants.

**ALL ATTORNEYS ARE DIRECTED TO REVIEW THIS ORDER
CAREFULLY.**

This order contains scheduling deadlines and discovery directives for
multiple cases.

These cases are assigned to the Hon. Frank P. Geraci, Jr., Senior District Judge, and referred to the undersigned. Based on the parties' joint filings and requests for an extension of deadlines in the above-referenced cases, and based on the good cause shown during a conference before the undersigned on May 21, 2024, the Court orders as follows under Fed. R. Civ. P. 16:

I. Withdrawal of motions.

The City filed motions to bifurcate discovery in the below-noted cases. Based on the representations of City counsel during the May 21 conference, these motions are **WITHDRAWN**. Any application by Plaintiffs in the cases noted below for permission to bring a motion to compel is likewise **WITHDRAWN**. The Court notes that other similar motions remain pending in cases not yet referred to the undersigned.

- Armstrong v. The City of Rochester, et al. (21-cv-6717).
- Boehner, et al. v. The City of Rochester, et al. (21-cv-6574).
- Flannery v. The City of Rochester, et al. (22-cv-6101).
- Flannery v. The City of Rochester, et al. (22-cv-6062).
- Grayson v. The City of Rochester, et al. (21-cv-6719).
- Hilderbrant v. The City of Rochester, et al. (21-cv-6714).
- Hushla v. The City of Rochester, et al. (22-cv-6039).
- Lynch v. The City of Rochester, et al. (21-cv-6708).
- Maring v. The City of Rochester, et al. (21-cv-6720).
- Painting v. The City of Rochester, et al. (22-cv-6179).
- Pigott v. The City of Rochester, et al. (22-cv-6180).
- Rogers v. The City of Rochester, et al. (22-cv-6583).
- Sorotki v. The City of Rochester, et al. (21-cv-6709).
- Staab v. The City of Rochester, et al. (22-cv-6063).

II. Deadlines.

1. **ESI order.** By no later than July 31, 2024, the parties are ordered to submit a proposed joint electronic discovery order. The parties anticipate that this order will include, but not be limited to, the following issues:

- a. Production of all relevant body worn camera recordings by Rochester Police Department officers, Monroe County Sheriff's Deputies, and any other law enforcement officers that are in Defendants' possession, custody, or control.
- b. Productions of records that demonstrate what officers, by name and badge numbers, correspond to identifying information in the relevant body worn camera videos.
- c. Production of all relevant video recordings by Aerial Drones owned or operated by the City or the Rochester Police Department, the County or the Monroe County Sheriffs Office, or any other law enforcement agency that are in Defendants' possession, custody or control.
- d. Production of all metadata related to all of defendants' body worn camera recordings relevant to these proceedings.
- e. Production of all metadata related to defendants' relevant drone recordings and other relevant videos and photographs.
- f. Production of relevant photographs and videos by plaintiffs.

2. **Motions to join parties and amend the pleadings.** By no later than August 12, 2024, the parties are ordered to file any motions to join parties or amend their pleadings.

3. **Close of discovery.** By no later than February 3, 2025, the parties are ordered to complete all fact discovery in these cases.

4. **Motions to compel discovery.** Any motions to compel discovery shall be filed by no later than March 3, 2025.

5. **Expert discovery.** Plaintiffs shall identify any expert witnesses and provide reports by no later than March 3, 2025. Defendants shall identify any expert witnesses and provide reports by no later than May 30, 2025. All expert discovery shall be completed by no later than May 30, 2025.

6. **Dispositive motions.** All dispositive motions shall be due by September 30, 2025.

II. Discovery

7. **A further case management conference is scheduled before the undersigned on July 11 at 11 a.m. The Court will provide call-in information on the docket.**

8. ***Monell* discovery.** To the extent practicable in these cases as well as the other cases pending in the Western District arising from the 2020 protests, the parties shall conduct joint discovery regarding Plaintiffs' *Monell* claims. Additionally, Plaintiffs anticipate taking numerous *Monell*-related depositions of City and County policymakers and high-ranking officials from the Rochester Police Department and

Monroe County Sheriff's Office. Plaintiffs also anticipate taking multiple Rule 30(b)(6) depositions on various topics. The parties shall work to streamline these depositions, as they will be applicable to numerous different cases.

- a. Plaintiffs shall serve *Monell* discovery demands separate from “individual” or “case specific” discovery demands, to the extent practicable. Because *Monell* demands have already been served in the case *Amanda Flannery v. City of Rochester*, et al., 22-cv-6101, Plaintiff shall continue to serve *Monell* discovery demands that will be applicable to all the related protest cases, in the case *Amanda Flannery v. City of Rochester*, et al., 22-cv-6101, except where case-specific issues require serving separate *Monell* demands.
- b. Plaintiffs shall produce *Monell* discovery applicable to all the cases using a common Bates Numbering system. For example: Protest_Monell_00001.
- c. Plaintiffs shall produce case specific discovery using a case-specific Bates Numbering system. For example: AFlannery_00001.
- d. Defendants shall produce *Monell* discovery applicable to all the cases using a common Bates Numbering system. For example: COR_Monell_00001 and County_Monell_00001.

- e. Defendants shall produce case specific discovery using case-specific bates numbers. For example: COR_AFlannery_0001 and County _AFlannery_0001.
- f. The Court specifically exempts, for now, the case of *Hall v. City of Rochester, et al.*, (21-cv-6296) from the *Monell* discovery provisions of this order.

III. Warning

9. The undersigned may, on motion or *sua sponte*, impose sanctions where parties willfully ignore or otherwise fail to adhere to this consolidated pretrial order. *See* Fed. R. Civ. P. 16(f).

SO ORDERED.

Dated: May 28, 2024
Rochester, NY

/s/ Mark W. Pedersen
MARK W. PEDERSEN
United States Magistrate Judge